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PATENT
2185-0156P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: John E. BOYNTON et al. Conf.: 2008
Appl. No.: 09/331,723 Group: 1638
Filed: August 18, 1999 Examiner: A. MEHTA



METHODS OF CONFERRING PPO-INHIBITING
HERBICIDE RESISTANCE TO PLANTS BY GENE
MANIPULATION

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, DC 20231

January 25, 2002

Sir:

Sumitomo Chemical Co., Ltd. and Duke University,
(hereinafter "the Assignees")

- ☐ residing at ,
- ☒ Sumitomo Chemical Co., Ltd. being a corporation of
Japan having a principal place of business at 5-33,
Kitahama 4-chome, Chuo-ku, Osaka 541-8550, Japan,
- ☒ Duke University being a university having an address of
012 Allen Building, Durham, NC 27708, USA,

represent that they are the true owners of the entire interest of
U.S. patent Application No. 09/331,723, filed on August 18, 1999,
for "METHODS OF CONFERRING PPO-INHIBITING HERBICIDE RESISTANCE
TO PLANTS BY GENE MANIPULATION," (hereinafter "above-identified
application") by virtue of and as evidenced by an Assignment
recorded at the United States Patent and Trademark Office at Reel
010174, Frame(s) 0027-0030.

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110.00 CP

The Assignees hereby disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent which issues from the co-pending Application No. 09/371,507, (hereinafter "co-pending application") and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which issues from the co-pending application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignees do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which issues from the co-pending application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignees by the undersigned, an attorney of record in the above-identified application.

Appl. No. 09/331,723

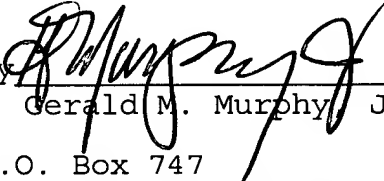
Please charge any fees or credit any overpayment pursuant to
37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: January 25, 2002

By


Gerald M. Murphy, Jr., #28,977

GMM/ETP/las
2185-0156P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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